00862.023492. PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: K.M. Lovel
TOSHIHIRO KOBAYASHI ET AL.	)	
	:	Art Unit: 2167
Application No.: 10/786,116	)	
	:	Conf. No.: 1851
Filed: February 26, 2004	)	
	:	
For: INFORMATION PROCESSING METHOD AND APPARATUS	)	
	:	January 16, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action dated October 16, 2007, in the above-identified application, Applicants respectfully request that the Examiner consider the following remarks.

This application has been reviewed in light of that Office Action. Claims 1, 2, and 6-17 are presented for examination, of which Claims 1, 11, and 14-17 are in independent form. Favorable reconsideration is requested.

Claims 1, 11, and 14-17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular the Office Action indicates that support for the recitation "maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated in said second designation step" could not be located in the specification. Applicants respectfully

traverse this rejection and submit that the recitation quoted above is supported by the specification, at least in paragraph [0087] of Applicants' U.S. Patent Appln. Publication No. 2004/0172448[1]. As shown in Fig. 21, the host A releases an exclusive control right of the designated node 2001 and the nodes which belong to the lower layer of the designated node 2001, while maintaining the exclusive control right of the nodes which belong to the upper layer of the designated node 2001. Accordingly, Applicants respectfully request that the rejection of Claims 1, 11, and 14-17 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claims 1 and 6-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,062,532 (*Sweat*) in view of U.S. Patents 5,933,825 (*McClaughry*) and 6,529,905 (*Bray*); and Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sweat*, *McClaughry*, and *Bray*, in view of U.S. Patent 6,215,495 (*Grantham*). Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a) and submit that independent Claims 1, 11, and 14-17, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Independent Claim 1 is directed to an information processing method for setting an exclusive control right of a data item by a specific process in a system in which a plurality of processes that can communicate with each other via an information transmission medium share data including a plurality of data items. That method comprises a first designation step, of designating a data item for which the exclusive control right is to be set, and a retrieval step, of retrieving a data item which belongs to a lower layer of the data item

[1] It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

designated in the first designation step on the basis of hierarchical structure information of the plurality of data items. In a determination step, a determination is made as to whether or not an exclusive control right by another process is set, for each data item retrieved in the retrieval step, and in a setting step, the exclusive control right for the specific process is set, as to the designated data item and as to a retrieved data item retrieved in the retrieval step and for which it is determined in the determination step that an exclusive control right by another process is not set. The method also includes a second designation step, of designating a data item for which the exclusive control right is to be released, and a first release step, of releasing the exclusive control right of the specific process as to the data item designated in the second designation step and a data item which belongs to a lower layer of the data item designated in the second designation step, while maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated in the second designation step.

Among other notable features of Claim 1 is the first release step, of releasing the exclusive control right of the specific process as to the data item designated in the second designation step and a data item which belongs to a lower layer of the data item designated in the second designation step, while maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated in the second designation step.

Applicants submit that nothing in the prior art of record would teach or suggest the first releasing step of Claim 1. The Office Action cites column 8, line 63, to column 9, line 5 of *Bray*, as allegedly teaching maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated in the second designation

step. Apparently, in the analysis presented in the Office Action, a delete lock in *Bray* is deemed to correspond to the first release step of Claim 1. However, as Applicants understand the cited portion of *Bray*, that portion discusses deletion of a node, not deletion of a lock, as suggested by the Office Action, and therefore does not appear to teach or suggest anything about releasing an exclusive control right. Moreover, Applicants submit that at column 9, lines 8-27, *Bray* teaches away from the features of Claim 1, because a request to remove a lock (allegedly corresponding to a request to release an exclusive control right) is denied if a lock of <u>any kind</u> exists on the parent node, which belongs to an upper layer of the data item designated. *Bray* specifically identifies an "edit lock" as a type of lock on the parent node which can result in a denial of the request to delete a lock on a data item of a lower layer. *Bray* explicitly prevents maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated when they are being edited. Therefore, *Bray* does not teach a situation in which it is even possible to release the exclusive control right of specific process as to the data item designated in the second designation step and a data item which belongs to a lower layer of the data item designated in the second designation step, while maintaining the exclusive control right of the specific process as to a data item which belongs to an upper layer of the data item designated in the second designation step.

Applicants submit that nothing in *Seat* or *McClaughry* would teach or suggest releasing an exclusive control right as to a designated data item and as to a data item which belongs to a lower layer with respect to the designated data item, while maintaining the exclusive control right as to a data item which belongs to an upper layer with respect to the designated data item, as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is allowable over those three patents, taken separately or in any possible combination (assuming such combination would even be a permissible one).

Each of the other independent claims also recites such a feature, and each therefore is believed to be allowable over the art of record.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

A Second Information Disclosure Statement is submitted herewith.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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